


~~OR. 1833-7~~

Conf
Pam
#519

Duke University Libraries
House bill
Conf Pam #519
D99164181\$



Introduced by Mr. FOWLE, of Wake.

W. W. Holden, Printer to the State.

A BILL FOR THE STRENGTHENING THE LAWS ALREADY IN FORCE FOR THE PROTECTION OF PERSONAL LIBERTY.

SECTION 1. *Be it enacted by the General Assembly of the*
2 *State of North-Carolina, and it is hereby enacted by the*
3 *authority of the same,* That the Governor be, and he is
4 hereby authorized, when, and so often as he may deem it
5 necessary and proper, to employ counsel to proceed to the
6 place or places of imprisonment of any citizen or citizens
7 of this State, who is or may be detained and imprisoned
8 under any arrest made, or which may be made, by the mil-
9 itary authorities of the Confederate States; for and on be-
10 half of such citizen or citizens, to apply for and obtain
11 writs of *habeas corpus* from some one of the Judges of the
12 Supreme or Superior Courts of this State, with or without
13 a personal conference with such citizen or citizens, which
14 writs it shall be the duty of any such Judge, on any such
15 application to grant, to the end that the cause of the ta-
16 king and detaining of such citizen, being enquired into be-
17 fore the said Judge, if it shall appear that such citizen has
18 committed, or shall stand duly and legally charged with
19 any offence against the laws of the State or Confederate
20 States, he may be held in the proper legal custody of the
21 civil authority, for his trial before a court having cogni-
22 zance of the same, or be admitted to bail, as the nature
23 and circumstances of the case may require and the Judge
24 shall direct; otherwise that he may, by order of said
25 Judge, be forthwith discharged and set at liberty.

SEC. 2. *Be it further enacted*, That if any officer, or person to whom any writ of *habeas corpus* may be directed, shall, by force, fraud or any contrivance prevent or evade the service of such writ, or being served therewith, shall refuse or fail to obey the same, by due return and obedience thereto, according to the exigence of the writ, or, having returned the same, shall refuse or neglect to submit to and perform the orders, directions and commands of the Judge made thereupon, or in case the said Judge shall order said prisoner to be bailed or discharged, shall again arrest or detain the person so discharged or bailed, for, or by reason of the same cause, he shall be deemed guilty of a misdemeanor and contempt, for which contempt it shall be the duty of the Judge forthwith to commit such officer or person to the nearest or most convenient jail, there to remain, without bail or main prize, until he shall have purged his said contempt, and made such submission therefor as shall be required by said Judge; and the said Judge shall also cause him to be held to bail in such sum, with such surety as he may require, for his appearance at the proper court, to answer for his said misdemeanor; for which purpose the Judge shall have power to issue any writ, precept or warrant which he may deem necessary or proper.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

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